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Security Council

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Working Group on Children and Armed Conflict

Conclusions on the situation of children and armed conflict in South Sudan

1. At its 32nd meeting, on 30 September 2011, the Working Group on Children and Armed Conflict examined the fourth report of the Secretary-General on children and armed conflict in the Sudan (S/2011/413), covering the period from January 2009 to February 2011, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Mission of South Sudan to the United Nations was not able to participate in the subsequent discussion, but submitted a written statement on the report.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations set out therein met with a favourable response.

3. They stressed the need for two separate reports and conclusions for the Sudan and South Sudan following the independence of South Sudan in July 2011.

4. They recognized the need to take into account the independence of South Sudan, which took place outside the reporting period, in the upcoming conclusions on South Sudan.

5. They welcomed the efforts made by the Government of South Sudan to ensure the protection of children through the adoption and implementation of the Child Act and the establishment of the Sudan People's Liberation Army (SPLA) child-protection unit in August 2010.

6. They noted the positive steps taken by SPLA to release children from its ranks and encouraged SPLA to renew its commitment to a formal action plan to end the recruitment and use of children, and requested that an updated framework for its implementation be developed as soon as possible.

7. They also expressed deep concern regarding reports of violations and abuses committed against children by SPLA, including killing and maiming in violation of applicable international law, sexual violence, abduction and attacks on schools and hospitals.

8. They stressed the importance of allocating adequate resources for the protection and reintegration of children, including by the donor community.

9. They urged all parties to ensure the protection of children in the Abyei Area.

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10. They further expressed deep concern regarding violations and abuses committed against children by non-State armed groups in South Sudan, and in this regard condemned the actions by the Lord's Resistance Army in South Sudan, which have resulted in the abduction of, the recruitment and use of, the killing and maiming in violation of applicable international law of and sexual violence against children, and in restrictions of humanitarian access. In addition, deep concern was expressed over the growing trend of inter-ethnic clashes leading to the abduction of, sexual violence against and killing and maiming of children, particularly in Jonglei.

11. The Working Group encouraged the Government to implement the relevant recommendations directed to it as contained in the report of the Secretary-General.

12. The representative of South Sudan:

(a) Reaffirmed the commitment of the Government to further strengthen the protective environment for children affected by armed conflict and in this regard acknowledged continuing support from the United Nations;

(b) Noted that South Sudan had made significant progress in strengthening the protective environment for children affected by armed conflict during the reporting period;

(c) Noted also the enactment of the Child Act, which provides the legal framework for the protection of children affected by armed conflict in South Sudan and which had since been widely disseminated to Government officials and community leaders at all administrative levels;

(d) Reaffirmed the commitment of the Government to the action plan regarding the recruitment and use of children as soldiers and highlighted, in this regard, the creation of SPLA child-protection units;

(e) Reaffirmed also the commitment of the Government to revise the current action plan to take into account Security Council resolutions 1882 (2009), 1996 (2011) and 1998 (2011);

(f) Noted that the volatile security situation in parts of South Sudan as well as four cases of rerecruitment of children by SPLA forces have been a challenge for the full implementation of the Child Act and the action plan;

(g) Noted also that, as a consequence, SPLA was in the process of putting in place disciplinary measures for SPLA personnel who had recruited or rerecruited children into the SPLA forces.

13. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including 1612 (2005), 1882 (2009) and 1998 (2011), the Working Group agreed to the direct action set out below.

Public statement issued by the Chair of the Working Group

14. The Working Group agreed to address a message to the parties mentioned in the report of the Secretary-General on children and armed conflict in the Sudan through a public statement by the Chair of the Working Group:

(a) *Expressing deep concern* regarding the continuing violations and abuses committed against children in South Sudan by all parties to the conflict,

and urging the immediate implementation of the previous conclusions of the Working Group on Children and Armed Conflict on the situation in the Sudan (S/AC.51/2007/5; S/AC.51/2008/7 and S/AC.51/2009/5) as relevant to South Sudan;

(b) *Welcoming* the signing of a new action plan on 12 March 2012 by the Government of South Sudan to end the recruitment and use of children and, in that regard, strongly urging the Government to immediately implement the action plan to halt the recruitment and use of children by SPLA, and to release all children within its ranks in accordance with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011) as a matter of priority;

(c) *Expressing deep concern* regarding the killing and maiming and abduction of children as a result of armed conflict and calling upon the Government to ensure that effective steps are taken to ensure accountability for violations committed;

(d) *Also expressing deep concern* regarding the reports of an increased number of cases of rape and sexual violence against children, especially by SPLA, and urging national authorities to end impunity through rigorous and timely investigation and prosecution, strengthen prevention efforts and ensure effective support to the victims of sexual violence;

(e) *Further expressing deep concern* regarding reported incidents of attacks against schools and hospitals by SPLA and the Lord's Resistance Army, and urging the Government to make all efforts to ensure the protection of schools and/or hospitals, and protected persons in relation to them, against attacks or threats of attacks;

(f) *Welcoming* the adoption of the Child Act of South Sudan and encouraging the Government of South Sudan to consider taking the necessary steps to express its consent to be bound by the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict;

(g) *Urging* the Government of South Sudan, in cooperation with the United Nations and the donor community, to prioritize long-term reintegration and rehabilitation for children affected by armed conflict through, inter alia, investment in youth programmes to ensure the constructive engagement of children and youth in national capacity-building efforts.

Recommendations to the Security Council

15. The Working Group made the following recommendations to the Security Council:

Letter to the Government of South Sudan

(a) *Commending* the efforts of the Government to strengthen the legislative framework for the protection of children through the adoption of the Child Act, which constitutes a milestone in the creation of a protective environment for children in South Sudan, and in this regard calling upon the

Government to continue to disseminate it and make sure that child-protection legislation is implemented at all administrative levels;

(b) *Also commending* the inclusion of a child-protection component in the national disarmament, demobilization and reintegration policy programme for South Sudan, highlighting the importance of reintegration programmes for the effective separation of children from armed forces and groups;

(c) *Welcoming* the establishment of a child-protection unit in SPLA and the appointment of SPLA child-protection officers;

(d) *Calling upon* the Government of South Sudan to ensure that sufficient resources and adequately trained personnel are dedicated to the mainstreaming of child protection in the security forces, including through plans for security sector reform, and in this connection urging the Government to ensure that all military codes, manuals, rules of engagement and other military directives are in accordance with applicable international law related to the protection of children;

(e) *Welcoming* the signing of a new action plan on 12 March 2012 by the Government of South Sudan to end the recruitment and use of children, and noting that the action plan, signed by the Minister of Defence of South Sudan, is guided by the Paris Principles and Commitments;

(f) *Strongly urging* the Government to immediately implement the action plan and to halt the recruitment and use of children by SPLA, and to release all children within its ranks in accordance with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011) as a matter of priority;

(g) *Calling upon* the Government to make every effort to ensure that the relevant provisions of national law, international human rights law and international humanitarian law with regard to the protection of children are upheld by its security forces;

(h) *Urging* the Government to end impunity for perpetrators through rigorously investigating and prosecuting crimes committed against children, including killing and maiming, sexual violence and abduction, and to allocate additional resources to strengthen prevention and provide appropriate responses for the victims at all administrative levels;

(i) *Also urging* the Government to make all efforts to ensure the protection of schools and/or hospitals, and protected persons in relation to them, against attacks or threats of attacks;

(j) *Further urging* the Government to make all efforts to prevent violence against civilians, including children, throughout its territory.

Letter to the Secretary-General

(a) *Requesting* the Secretary-General to ensure the strengthening of the monitoring and reporting mechanism on children and armed conflict in South Sudan, with the participation of and in cooperation with the Government of South Sudan and relevant United Nations and civil society actors, as a matter of priority, to ensure timely, objective, accurate and reliable information

necessary to ensure the fulfilment of reporting obligations to the Security Council;

(b) *Welcomes* the allocation of child-protection officers to the United Nations Mission in South Sudan (UNMISS), noting that their key tasks will include, among others, supporting the implementation of the action plan, continued monitoring and reporting on violations and abuses committed against children, mainstreaming child protection within the United Nations Mission and contributing to the Mission's strategy for the protection of civilians;

(c) *Reiterating* paragraph 4 of Security Council resolution 1996 (2011), and requesting the Secretary-General to ensure that UNMISS carries out its protection mandate where children are vulnerable;

(d) *Requesting* the Secretary-General to submit two separate reports for the Sudan and South Sudan following the independence of South Sudan in July 2011.

Direct action by the Working Group

16. The Working Group also agreed that letters should be addressed from the Chair:

To the World Bank and donors

(a) *Noting* that the risk of rerecruitment of children who have been separated from armed forces or groups can only be addressed through the provision of support for the long-term reintegration of children;

(b) *Appealing* to donors working alongside the United Nations system to support efforts by the South Sudanese authorities to reintegrate former child soldiers, and to take into account child-protection considerations in the delivery of bilateral assistance to the security sector, and further calling upon the donors to provide support for comprehensive disarmament, demobilization and reintegration for children associated with armed forces and armed groups and support the Government's effort in this regard.